



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley  
Director

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Regional Director

### STATE WATER CONTROL BOARD ENFORCEMENT ACTION

#### SPECIAL ORDER BY CONSENT

#### ISSUED TO

#### FAUQUIER COUNTY WATER AND SANITATION AUTHORITY

#### FOR THE

#### VINT HILL FARMS STATION WASTEWATER TREATMENT PLANT (VPDES PERMIT NO. VA0020460)

#### SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and the Fauquier County Water and Sanitation Authority regarding the Vint Hill Farms Station wastewater treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

#### SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "WWTP" means the Vint Hill Farms Station wastewater treatment plant located in Fauquier County, Virginia.
7. "Regulation" means 9 VAC 25-31-10 *et seq.*, Virginia Pollutant Discharge Elimination System Permit Regulation.
8. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0020460.
9. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
10. "Authority" means the Fauquier County Water and Sanitation Authority, which owns and operates the Vint Hill Farms Station WWTP.

#### **SECTION C: Finding of Fact and Conclusions of Law**

1. The Vint Hill Farms Station WWTP is a 0.246 MGD plant that is located in Fauquier County, Virginia. In 2000, the Authority assumed ownership of the WWTP from the U.S. Army upon closure of its base known as Vint Hill Farms Station. The WWTP discharges into the South Run, which is located within the Potomac River Basin. Discharges are the subject of VPDES Permit No. VA0020460.
2. The Board has evidence to indicate that the Authority has violated the Regulation and the Permit by: (1) exceeding Permit effluent limits for Ammonia as Nitrogen ("Ammonia") and Biochemical Oxygen Demand ("BOD"); (2) being below the effluent minimum limit for Dissolved Oxygen; and (3) submitting late a biannual status report for achieving compliance with *E.coli*. DEQ NVRO issued two warning letters (WL) and three notices of violation (NOV) to the Authority for the above-referenced violations as follows: WL No. W2005-04-N-1012 issued April 13, 2005; WL No. W2005-05-N-1017 issued May 16, 2005; NOV No. W2005-07-N-0001 issued July 6, 2005; NOV No. W2005-08-N-0009 on August 5, 2005; and NOV No. W2005-09-N-0010 issued September 12, 2005. In addition, violations of applicable Ammonia limits are anticipated in subsequent weeks and months through and including the effective date of this Order.

3. The Permit required the Authority to submit biannual status reports for achieving compliance with the final limits for *E.coli*. The last report was due July 10, 2005 and the Authority submitted the report late on September 6, 2005. This status report showed that the Authority is in compliance with the final limits for *E.coli* which allows DEQ to remove the Fecal Coliform limits from the Permit.
4. The WWTP currently utilizes trickling filter technology that cannot meet the Permit effluent limits for Ammonia that were imposed for the first time subsequent to construction of the WWTP. Therefore, the WWTP has periodically exceeded, and absent substantial modifications will continue to exceed, monthly concentration average limits and weekly concentration maximum average limits for Ammonia.
5. During this period of non-compliance the Authority worked earnestly by trying various treatment options to reduce Ammonia levels in the effluent discharge at the WWTP. One of the options taken was to feed the WWTP cultured microorganisms that were designed to help increase media growth, but because of the limiting nature of trickling filters it was unable to bring about a noticeable reduction in Ammonia levels.
6. DEQ met with the Authority on August 18, 2005 to discuss Vint Hill's compliance issues and options to bring it back into compliance. Several other treatment options were discussed, such as increasing air circulation in the filter and break point chlorination, but those options were deemed to be impractical.
7. Since modifying the current plant is not feasible, the Authority decided to go forward with a plant upgrade to meet all Permit effluent limits including Ammonia. The upgraded facility will have two flow tiers of 0.6 and 0.95 MGD and will discharge into Kettle Run.
8. In January 2005 the Authority submitted to DEQ for review and approval, plans and specifications (plans and specs) for the installation of the upgraded treatment system. Included in those plans and specs were the closure plans for the current treatment system. The Authority awarded a construction contract for the upgrade plant on July 15, 2005.
9. Appendix A of this Order requires the Authority to upgrade the WWTP in accordance with the schedule of compliance found herein. Appendix B of this Order are interim effluent limits for Ammonia, which applies in lieu of Permit limits for Ammonia until the schedule of compliance in Appendix A is completed.

**SECTION D: Agreement and Order**

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders the Authority, and the Authority voluntarily agrees that:

1. The Authority shall perform the actions described in Appendix A and B of this Order to remedy the violations described above and achieve compliance with the State Water Control Law and Regulations.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of the Authority, for good cause shown by the Authority or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein and listed above in Section C-2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, the Authority admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. The Authority declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
5. Failure by the Authority to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
7. The Authority shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. The Authority shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Authority shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. The timetable by which such measures will be implemented and the date full compliance will be achieved.

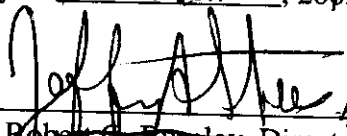
Failure to so notify the Regional Director within twenty-four (24) hours of learning of any condition above, which the Authority intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

8. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
9. Any plans, reports, schedules, or specification attached hereto or submitted by the Authority and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
10. This Order shall become effective upon execution by both the Director or his designee and the Authority. Notwithstanding the foregoing, the Authority agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to the Authority. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Authority from its obligation to comply with any statute,

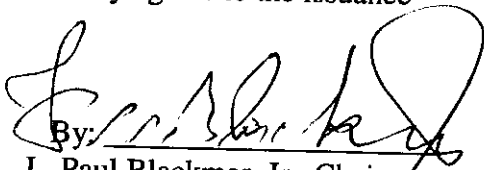
regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. The undersigned representative of the Authority certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Authority to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of the Authority.
13. By its signature below, the Authority voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 17 MARCH, 2005.<sup>6</sup>

  
DAVID K. PAULIN Robert G. Burnley, Director  
Department of Environmental Quality

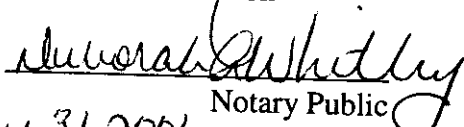
The Fauquier County Water and Sanitation Authority voluntarily agrees to the issuance of this Order.

  
By: L. Paul Blackmer, Jr.  
L. Paul Blackmer, Jr., Chairman  
Fauquier County Water and Sanitation Authority

Date: 11/4/05

Commonwealth of Virginia  
City/County of Fauquier

The foregoing document was signed and acknowledged before me this 4<sup>th</sup> day of NOV, 2005, by L. Paul Blackmer, Jr., Chairman of the Fauquier County Water and Sanitation Authority, on behalf of the Fauquier County Water and Sanitation Authority.

  
My commission expires: May 31, 2006  
Notary Public

## APPENDIX A SCHEDULE OF COMPLIANCE

The Authority shall:

1. By no later than September 1, 2005, begin construction of the upgraded treatment system in accordance with the approved plans and specifications ("plans and specs") by issuing a notice to proceed to the construction contractor;
2. By no later than February 1, 2007, complete construction of the upgraded treatment system in accordance with the approved plans and specs;
3. Begin meeting Ammonia Permit effluent limits 90 days after completing construction and the issuance of the written, final CTO;
4. By no later than May 1, 2007, close the old system in accordance with the approved closure plan and submit a closure report to DEQ.
5. The Authority acknowledges that during the period of construction the WWTP may experience additional exceedences of the same Ammonia Permit conditions which necessitated the upgrade of the treatment system. Accordingly, pending completion of the construction, the Authority shall continue to operate the WWTP in accordance with the Operations and Maintenance (O&M) manual and the Sludge Management Plan (SMP) in order to ensure that the WWTP produces the best quality effluent of which it is capable, and in order to minimize any additional exceedences of Ammonia Permit effluent limits and impacts to water quality that may occur while the plant is under construction.
6. Beginning January 1, 2006, submit quarterly construction progress reports to DEQ with the Discharge Monitoring Report submission until all items of the schedule of compliance are complete.

**APPENDIX B**  
**INTERIM EFFLUENT LIMITATIONS**  
**VINT HILL FARMS STATION WWTP**

During the period beginning with the effective date of this Order and lasting until completion of the upgraded treatment plant and issuance of CTO in accordance with the timelines outlined in Appendix A, the Fauquier County Water and Sanitation Authority shall monitor and limit the discharge from the Vint Hill Farms Station WWTP in accordance with VPDES Permit No. VA 0020460, except as specified below. These interim limits shall apply in lieu of the Ammonia limits in the Permit and shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These requirements shall be construed in light of the Board's Permit Regulation.

PARAMETER	DISCHARGE LIMITATIONS		
	Monthly Average	Weekly Average	Minimum Maximum
Ammonia, as N	14.0	NL	N/A N/A
N/A = Not applicable.			
NL = No limit; Monitor and reporting required			